

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
November 23, 2010
Approved minutes
6:35 PM**

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Amentas, Chairman; George Broadbent, Member; Gary Barach, Member; Mark Toth, Member; Jill Bukata, Township Manager and Treasurer; Denise Miller, Township Secretary; Vince Pompo, Solicitor.

EXECUTIVE SESSIONS: There was an Executive Session on November 8, 2010 regarding financial matters.

APPROVAL OF MINUTES: Mr. Amentas made a motion to approve the October 26, 2010 minutes as presented. Mr. Broadbent seconded. Vote: Unanimous.

Mr. Amentas made a motion to approve the November 9, 2010 minutes as presented. Mr. Toth seconded. Mr. Barach abstained. Vote passed.

CITIZENS BY REQUEST:

Tiffany Sprows of 25 North Danbury Circle asked the Board if they made a decision on her previous request to amend the Day Care Ordinance. Mr. Amentas suggested that Ms. Sprows go to her Home Owners Association (HOA) and see if they have a certain area in her development to dedicate for extra parking. Mr. Amentas also stated that there is no parking on township roads because it causes a safety hazard. Ms. Sprows stated that she is under a different ordinance than other home occupations and is only asking for the parking for Day Care Homes. Ms. Sprows stated that it is unfair that she has to follow the ordinance when cars are always parked at the bus stop and are there longer than she would need for her drop off and pick up in front of her house. Ms. Sprows asked if the township would pay to install extra parking if the HOA agreed. Mr. Amentas replied that he would say that the township would not pay for something like that but he would not say absolutely not until something was proposed to the township. Ms. Sprows asked if the township is going to send a letter to their HOA letting them know about cars parking at the bus stop. Mr. Amentas replied that a new parking ordinance is proposed for advertisement tonight which will give the police force better enforcement.

TREASURER'S REPORT:

October 31, 2010 financial report: Jill Bukata presented the financial report, payment authorizations, forecast, and projection reports.

Cash balances are as follows:

From the General Fund	\$ 66,168.39
From the Liquid Fuels Fund	\$ 7,412.15
From the Park and Recreation Fund	\$ 107.94
From the Escrow account	\$ 9,290.00
Payroll transfers	\$ 72,058.30

\$292,692.00 is segregated for West Chester Road and other Developer Funds. Approximately \$196,000.00 is for the West Chester Road fund only.

Mrs. Bukata stated that the township will be sending out invoices with a letter to residents who have not paid their 2010 trash bill. Those who have not paid for the 2010 year will be sent to collections the first week of January 2011.

Mr. Barach stated that the budget as reflected in the financial statement is inaccurate because there is not a budgeted amount for the Liquid Fuels revenue. Mrs. Bukata replied "that will be corrected." Mr. Barach asked if it is correct that the \$7,000.00 deficit because the trash is being accounted for on an accrual basis not a cash basis and is \$100,000.00 on a cash basis. Mrs. Bukata replied "correct." Mr. Barach asked about the \$170,000.00 showing for trash collection before discounts in October. Mrs. Bukata replied that this was corrected but the wrong document is in the packet. Mr. Barach asked Mrs. Bukata what the forecasted amount of the net cash deficit in November and December is. Mrs. Bukata replied "approximately \$140,000.00." Further discussion is moved to the special board meeting on November 30, 2010.

2011 trash fee and discount – Mrs. Bukata presented \$305.00 for the 2011 trash invoice with either a 5% discount for \$15.25 or a 10% discount for \$30.50. Mrs. Bukata recommended a 5% discount. Mr. Barach suggested that the township get aggressive in collecting the 2010 payments due. Mr. Barach asked if selling the trash receivables ever a consideration. Mrs. Bukata replied "no." The Board further discussed options on collection procedures. Mr. Amentas made a motion to establish the discount for early payment of the 2011 annual trash bill as 5% provided the payment is made in full by January 25, 2011. Mr. Broadbent seconded. Bob King commented on the increase in the trash bill with less service. Mr. Broadbent replied that the new toter is 96 gallons and most current trash cans used are 32 gallons. Nancy Simes stated that residents are getting one pickup taken away so they should be refunded \$5.86 and what if they have more trash from the three missed days. Mr. Gathercole replied that York Waste will pickup extra trash on Monday and Tuesday only. Mrs. Simes also asked who will pay to replace a toter if it is damaged. Mrs. Bukata replied "York Waste." Mr. Barach stated that as the motion stands he will oppose the motion and suggested getting rid of the percentage and creating a double incentive. The positive being if you pay by January 31, 2011 you get a reduction from last year's rate and if you pay after January 31, 2011 you pay more than last year's rate. Mrs. Bukata agreed with the incentives. Mr. Amentas withdrew his motion to be further discussed at the November 30, 2010 special meeting. Mr. Amentas stated that for purposes of formulating the 2011 budget the board needs to establish these things immediately.

PARK AND RECREATION COMMISSION:

November Park and Recreation report – The November Park and Recreation report was presented.

Park Pavilion – Brian Carling presented the Board with a request to approve the Park and Recreation Commission proceeding with bidding plans for a 30' X 40' pavilion at an estimated cost of \$50,000.00 to \$60,000.00 with approximately \$37,000.00 from the DCNR (Dinniman) grant and \$27,000.00 from the Fee in Lieu of account and the support of Chris Della Penna with the bidding process so construction can proceed. In the spring of 2011. Mr. Amentas made a motion approving the Park and Recreation request to proceed with bidding plans to solicit bids for a 30' X 40' pavilion at an estimated cost of \$50,000.00 to \$60,000.00 with approximately \$37,000.00 from the DCNR grant and \$27,500.00 from the Fee in Lieu of account and the authorization of Mr. Della Penna to assist Park and Recreation with the bidding process and Mr. Della Penna's services to be paid out of the Fee in Lieu of account so construction may proceed in the Spring of 2011. Mr. Broadbent seconded. Mr. Pompo stated that the document package for the West Chester Road Macanga project can be used for this bidding process. Mr. Carling stated that he is hoping to use the COSTARS program. Vote: Unanimous. Mr. Carling stated that the Park and Recreation Commission did not win the DCNR matching grant that was previously applied for so they would be responsible for approximately \$116,000.00 in additional fees should they win the Chester County Grant. Mr. Barach asked if this is granted and the township does not have the funds can it be cancelled. Mr. Carling replied "they have the funds." Mr. Barach asked what fund the money is in. Mrs. Bukata replied that the Park and Recreation Commission are owed from the General Fund and Escrow accounts.

PLANNING COMMISSION:

No report presented.

HISTORICAL COMMISSION:

Historical Commission minutes – Mr. Amentas made a motion to approve the November 10, 2010 Historical Commission minutes. Mr. Broadbent seconded. Vote: Unanimous.

Mr. Amentas asked the status of the Comprehensive Plan. Mrs. Bukata replied that Ryan Ray will present the status after he speaks with Mr. Ott. Mr. Amentas stated that there is a contract for the Comprehensive Plan signed last year and asked Mrs. Bukata to call Mr. Ott for a status.

SOLICITOR'S REPORT:

Mr. Pompo stated that the Chester County Board of Commissioners approved an agreement to purchase the site in South Coatesville for the Chester County Training Facility and is going to settlement by the end of the month. Mr. Pompo also stated that he sent a letter of violation to the land owner, PECO, and the Training Center informing them that the township still found outstanding the violation of the incursion into the protected riparian buffer and woodlands of the natural resources protection regulations by the well drillers during the application process. The Chester County Training Center replied back that they will more likely than not offer monetary fine settlement. Mr. Pompo also stated that the landowners' counsel said they intended to resolve the issue. Mr. Amentas asked what point does the township close this matter. Mr. Pompo replied that once the pending legal action is completed a withdrawal of their application is expected. Mr. Amentas stated that if the township does not hear anything in three months, a ten day notice should be sent stating that the township will file a law suit.

LEGAL ISSUES:

Earned income tax ordinance – Mr. Amentas made a motion to adopt Ordinance 2010-05 amending chapter 24, part 1 of the township of East Fallowfield code of ordinances by levying a tax on earned income and net profits; requiring tax returns, requiring employers to withhold and remit tax; and related provisions with a draft designation of September 22, 2010. Mr. Broadbent seconded. Vote: Unanimous.

TCC contract – Mr. Amentas made a motion to adopt Resolution 2010-12 requesting the Chester County tax collection committee contract for the collection of tax other than earned income tax. Mr. Broadbent seconded. Vote: Unanimous.

False Alarm ordinance – Mr. Amentas asked Chief Porter if he has any comments. Chief Porter replied that he reviewed the draft ordinance and recommended \$25.00 for the fourth false alarm. Mr. Pompo pointed out that the definitional section states that the fee has to be set by resolution. Mr. Amentas made a motion to advertise the false alarm ordinance with a draft date of August 25, 2010 including the following revisions. Page 4: The permit holder of the alarm system shall be replaced with the term "property owner." Page 4: Section 5D (3) "A permit holder" will be replaced with "A permit owner's." Page 5: 6 A; the final sentence will be deleted and replaced by "if payment is not made within thirty days a late fee in the amount of \$25.00 per month will be applied to any unpaid balance. In addition the township may institute proceedings before the District Magistrate or a Court of competent jurisdiction for the collection of the amount owed plus penalties, reasonable costs, and attorneys fees." The final sentence will remain in place. In Section 6 A (insert fee here) will be replaced with "false alarm fee." George Broadbent seconded. Bob King asked how the police get dispatched to the alarm calls. Chief Porter replied "through the County Department of Motor Services." Vote: Unanimous.

2011 SPCA contract – Mr. Amentas made a motion to enter into the full 2011 SPCA contract with a fee of \$4,690.00. Mr. Broadbent seconded. Vote: Unanimous.

Parking Ordinance – Mr. Amentas stated that it should be changed where it says payment "should be made in the township lock boxes" to "payment must be received by the police department within 14 days." Chief Porter asked about the \$20.00 cash policy. Mr. Barach replied that you could take the exact amount in a controlled environment such as a lockbox or collection box and authorize an employee to handle the money. Mr. Broadbent suggested putting "payable by check or money order." The Board agreed to put "payable by check or money order" in the parking ordinance. Mr. Pompo read the last revised sentence; "The notice shall contain instructions to the owner or driver of the vehicle that if he will pay the sum of \$25.00 by check or money order mailed to the Township with payment received by the Township within 14 days after the time of the notice, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section." Mr. Amentas made a motion to advertise Ordinance 2010 amending chapter 15 part 4 of the code of ordinances general parking regulations with a solicitor draft date of November 23, 2010 including revisions based upon solicitors comments.

Mr. Broadbent seconded. Vote: Unanimous.

POLICE DEPARTMENT:

September 2010 police report – The September 2010 police report was presented.

Chief Porter informed the Board that the police department was approved for The Buckle up PA \$1,000.00 grant in conjunction with “Click It or Ticket.”

PUBLIC WORKS DEPARTMENT:

October 2010 road report – The October 2010 road report was presented.

Mr. Gathercole informed the Board that he received several bids from snow plowers and expects to get more.

Mr. Gathercole stated he is working on getting more snow plowers to utilize this winter. Mr. Gathercole also stated that it’s hard to get someone to plow snow at \$14.00 per hour. Mrs. Bukata replied other townships are paying \$15.00 to \$16.00 per hour. Mr. Amentas stated “maybe the township should increase their rate.”

Bob King stated that the Stone Creek Development does not have any “no parking” signs. Mr. Gathercole asked what roads in Stone Creek. Mr. King replied “all of them.” Mr. Gathercole stated that he will check and see if there are no signs and put them up if needed.

EMERGENCY SERVICES:

October 2010 road and vehicle report – The October 2010 road and vehicle report was presented.

October 2010 recycling report – The October 2010 recycling report was presented.

UNFINISHED BUSINESS:

Payment of the 2011 freightliner – Mr. Amentas recommend paying the \$136,639.71 over a four year period. The Board tabled the payment decision until the November 30, 2010 budget meeting.

NEW BUSINESS:

2011 Fee Schedule – Mrs. Bukata presented the Board of Supervisors with a revised fee schedule.

Mr. Broadbent would like the Telecommunications registration fee changed from \$25.00 to \$2,500.00 and increase the amount paid to the fire departments. Mr. Amentas recluses himself on any matters regarding the fire companies because his law firm represents Pomeroy Fire Company. The Board will review and give changes at the December 14, 2010 workshop. Mr. Amentas asked if you could add on to the township engineer’s invoices. Mr. Pompo replied that you can’t do it for Subdivision and Land Development review fees because the statue says you cannot charge the developer more than what you pay out. Mr. Toth asked if you can for everything else. Mr. Pompo replied that you could add a service fee.

2011 budget – Mr. Broadbent stated that the fire departments budget should be increased from \$52,000.00 to \$62,000.00. Mrs. Bukata stated that she has to put \$6,000.00 back into the Park and Recreation budget.

Mr. Amentas asked for clarification if the budget figures are preliminary and do not include a tax or reduction of staff. Mrs. Bukata replied "no it does not." The Board tabled further discussion until Thursday December 2, 2010 at 6:30 PM. Mr. Amentas asked if the Board wants anything advertised. Mrs. Bukata replied “yes.” Mr. Pompo stated that if you want to do any business you would have to put a Sunshine Act notice in the paper.

Coatesville Area School District – Mr. Amentas suggested putting a draft letter together and then vote on it December 2, 2010. Mr. Barach stated that Mr. MacCombie said it’s OK to grant this but the township should be getting something in return. Mr. Amentas recommended the letter stating approval is granted assuming that PAWC will extend utilities to areas that are indicated in the plans. Mr. Pompo stated that the letter states that when the school district builds their facility to get the utilities to the school district their facility will be designed to allow for future expansion. Mr. Amentas inquired on how the township would

get any kind of commitment. Mr. Pompo replied that the township could respond by saying they are happy to provide their consent to the utilities once they provide the township with plans for expansion of service to areas other than the school district. Mr. Pompo recommended writing an unconditional letter stating the township will be supportive of the expansion of the franchise area, if the service for the middle school provided that utilities include in its application provisions providing additional service to areas in the township. Mr. Amentas suggested the letter state that the township will approve this conditioned on the water company's agreement to extend utilities to those areas that are designed by the school district and then the township has control over the design. Mr. Barach suggested consulting Mr. MacCombie on what he thinks the letter should say. Mr. Amentas requested that Mrs. Bukata contact Mr. MacCombie for his attendance at the December 2, 2010 meeting.

Beagle Club status – Mrs. Bukata presented a request from The County of Chester asking if the township is accepting or denying their matching grant. Mr. Amentas directed Mrs. Bukata to write a letter stating that the Board met tonight and indicated that the township is not accepting the matching grant at this time.

Mrs. Bukata asked the Board if they want the December 28, 2010 changed to December 21, 2010. Mr. Pompo stated you need 20 days to advertise the budget and if you don't make a motion to advertise until December 2, 2010 you could not meet until December 22, 2010 to adopt the budget. The 2011 budget discussion is moved to November 30, 2010 at 8:30 PM and the advertisement notice that the budget is available for public review has to go in the Daily Local News on December 1, 2010. Mr. Pompo stated that you can only open the approved budget when it's an election year. The Board agreed to move the December 28, 2010 meeting to December 21, 2010.

PUBLIC PARTICIPATION:

Bob King of 235 Misty Patch Road asked about money in order to move forward with the township park. Mr. Amentas replied that the progress would have to cease until they received more money. Mr. King also asked why the West Chester Road fund dropped from \$253,000.00 to \$192,000.00. Mrs. Bukata stated that it is not 100% clear that the \$154,000.00 is for West Chester Road. Mr. Pompo stated that he and Chris Della Penna met with all the developers that have outstanding obligations along with Traffic Engineers to come up with a plan to design a much scaled back project that will not include traffic lights. Mr. Della Penna did an actual count now that Providence Hill and Manchester Farms Development is there. Mr. King also asked how much is the road crew getting compensated for delivering the trash totes. Mr. Gathercole replied that they are helping to make sure everyone gets a toter. Mr. Amentas stated that York Waste should not be utilizing the road department to deliver totes. Mr. Gathercole replied that he will call York Waste for reimbursement.

Nancy Simes of 1508 Robin Road asked for a Board decision on the Cardinal Drive sewer hook-up. Mr. Amentas replied that hook-up is mandatory and enforcement for non-compliance is being reviewed. Mr. Toth asked how many residents did not comply. Mrs. Bukata replied approximately 27 out of 77 homes did not comply. Mr. Barach asked the original deadline date. Mrs. Bukata replied "September and then extended to November." The Board agreed to send letters out regarding non-compliance. Mrs. Simes also asked when the yard damages are going to be fixed. Mrs. Bukata replied that she is trying to get a resolution to the disagreement between PAWC and the contractor. Mrs. Simes also stated that she has water going through her yard trying to make a swale.

ADJOURNMENT: Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 10:30 PM. Mr. Makely seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller, Township Secretary